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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re:)
)
Amendment of Section 73.202(b)) MM Docket 98-_____
Table of FM Allotments)
(Healdton, OK and Pauls Valley, OK)

To: John Karousos
Chief, Allocations Branch

PETITION FOR RULE MAKING

Pursuant to Sections 1.401, 1.420(g)(3) and 1.420(i)(1) of the Commission's rules, Wright & Wright, Inc. -- licensee of station KGOK (FM), Pauls Valley, OK -- respectfully submits this Petition for Rule Making to amend the FM Table of Allotments to reallocate channel 249C3 from Pauls Valley, OK to Healdton, OK and the modification of the license for KGOK (FM) accordingly, in order to provide a first local FM service for Healdton, OK.^{1/}

Upon a grant, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, would be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Healdton, OK	229C2 ^{2/}	249C3
Pauls Valley, OK	249C3; 291A ^{3/} ; 283A ^{4/}	291A; 283A

^{1/} Concurrently with the filing of this Petition, the licensee of KICM (FM), Healdton, OK, is filing a Petition to reallocate its facility to Krum, TX, in order to provide that community with a first local service.

^{2/} See note 1, supra.

^{3/} See NPRM, Docket No. 97-84.

^{4/} See NPRM, Docket 97-84 (counterproposal).

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The coordinates for this proposed allotment are 34-17-28 North and 98-29-23 West. The new site is approximately 50 kilometers from the currently authorized site. If this Petition is granted, a CP will be requested and the new facility at Healdton will be promptly built.

PRELIMINARY STATEMENT

The allocation reference point in this Petition complies with the minimum distance separation requirements set forth in Section 73.207 of the FCC's rules. See Technical Study, attached hereto as Appendix A (Table at page 3). The modification of license and change of community can be made in this proceeding since the modification will occur on a mutually exclusive co-channel. See 47 CFR 1.420(g)(3) and (i).

The requested change in allotments will not deprive Pauls Valley, OK, of its only local aural transmission service ^{5/} and, in any event, will result in a "net service benefit for the affected communities." See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

Discussion

I. HEALDTON, OK, IS A "COMMUNITY" FOR FCC ALLOTMENT PURPOSES

1. The Communications Act requires the FCC to allot all radio frequencies in a "fair" manner among the nation's various

^{5/} See notes 3 & 4, supra. Station KVLH (AM), 1470, is also licensed to Pauls Valley, OK.

"communities." See 47 USC 307(b). Accordingly, the FCC historically has endeavored to allot radio frequencies to any "community" -- regardless of size and whether or not incorporated ^{6/} -- that constitutes a "geographically identifiable population grouping." See FM Channel Policies/Procedures, 90 FCC 2d 88, 101 (1982).

2. Healdton is designated in the 1990 Census as a "city," with a 1990 population of approximately 2872 persons. It is located outside of any urbanized area. Because of its Census designation, that is sufficient for FCC purposes to demonstrate its status as a community. ^{7/}

II. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS

3. The proposal meets the FCC's allotment requirements. See Modification of Community of License, supra, 4 FCC Rcd at 4873. Under this proposal -- and assuming that the FCC grants a related proposal to reallocate station KICM (FM) from Healdton to Krum, TX ^{8/} -- the city of Healdton, OK, would receive a replacement "first local broadcast service," a factor of the highest priority in the FM allocation scheme. See Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 90-2 (1982). The

^{6/} See, e.g., Musical Heights, Inc., 29 FCC 1 (1960).

^{7/} Station KICM (FM) is currently licensed to the city of Healdton (although a Petition is being filed simultaneously herewith by the licensee of KICM (FM), seeking to reallocate its facility to Krum, TX, in order to provide a "first local service.")

^{8/} See note 1, supra.

The entire city of Healdton will receive city-grade service from the reference coordinates. See Appendix A at 4 (City-Grade Coverage Map).

4. Moreover, if KGOK (FM) is reallocated to Healdton, the city of Pauls Valley, OK, will continue to receive adequate local aural service.^{9/} KGOK's Pauls Valley, OK, service area is already well served by five (5) or more aural reception services; for example, in the Pauls Valley "loss area," daytime service would still be provided by 5 or more aural reception services (even assuming there is no replacement service from either of the two proposed new FM stations) and nighttime service would be equivalent. See Appendix A at 5 & 6.^{10/}

5. Finally, the loss of a C3 allotment for Pauls Valley, OK (and its corresponding replacement by one or two Class A allotments at Pauls Valley, OK)^{11/} is outweighed by the overwhelming public benefits derived from providing a replacement "first" local service to Healdton, OK. See Modification of Community of License, supra, 4 FCC Rcd at 4874 ("a change in community of license that would result in a preferential arrangement of allotments should not [be] precluded because the licensee will no longer serve its original community of license").

^{9/} See note 5, supra.

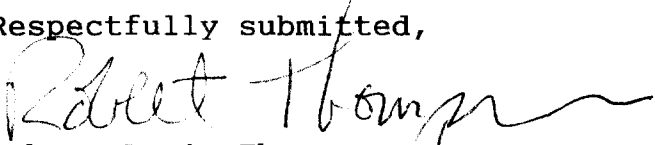
^{10/} Only a tiny area would receive less than five nighttime aural services. See Appendix A at 7 (Nighttime Area Loss Study). Moreover, that small area likely would be served by either or both of the proposed channel 291A/283A replacement services (from Pauls Valley, OK). See note 5, supra.

^{11/} See note 5, supra.

CONCLUSION

6. In view of the foregoing, the FCC should issue a Notice of Proposed Rulemaking, proposing the reallocation of channel 249C3 from Pauls Valley, OK, to Healdton, OK, and the modification of KGOK (FM)'s license to specify operation at Healdton, OK as a replacement "first local aural service."

Respectfully submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

February 20, 1998

cc: Wright & Wright, Inc.
Lake Country Communications, Inc. (KICM-FM)

TECHNICAL NARRATIVE

This technical showing is prepared to support a request to change city of license of KGOK-FM from Pauls Valley, Oklahoma to Healdton, Oklahoma.

The proposed reference coordinates are:

34°17'28" North, 98°29'23" West.

This site is 50 kilometers from the current authorized site.

The Allocation Tabulations exhibit demonstrates that this site meets all spacings as required by §73.207 of the FCC Rules for existing Channel 249 Class C3. The City Coverage Map exhibit demonstrates that the entire city of Healdton, OK receives service from the reference coordinates at maximum facilities, as required by §73.315.

According to the 1990 US Census, Healdton is designated as a "city" and has a population of 2,872 persons in 1,420 households. The city is located outside any urbanized area. The proposed operation will provide service to 47,590 persons in 4,747 square kilometers.

In a separate proceeding, KICM-FM, licensed to Healdton is proposed to be moved to Krum, Texas. This proceeding seeks to replace the local service of KICM-FM for Healdton.

The replacement service for Pauls Valley has already been proposed in two rule-making proceedings. Tom Stamper proposes to add Channel 291A in Docket 97-84. Bowie-Nocona Broadcasting Co. Inc. proposes to add Channel 283A in a counter proposal. There is an existing AM station KVLH operating on 1470.

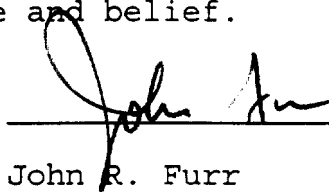
Because the replacement services proposed for Pauls Valley are Class A, a "white area" study of area lost is shown in the attached exhibits. Due to the complexity of the multiple lines, the presentation is made without base map information so the area affected can be clearly seen. Daytime there are more than 5 services covering the entire area lost. KVLH(AM) operates with 63 watts nighttime so therefore a separate nighttime service map is shown. All but a small area is served by 5 or more stations. A small area is shown with 4 stations serving. Since the proposed Class A is not yet granted, it would only be an assumption of its coverage. However, it is believed that the area with only 4 services would be served with the new replacement service in the nighttime period as the fifth service.

A site map is included in this petition to verify that the proposed reference coordinates meets the requirements for potential location for actual construction.

Because the area is well served, the replacement service is already in progress, and the proposed site meets FCC spacing and city coverage, this proposal is grantable.

My qualifications are a matter of record with the FCC. The above information and attached exhibits are true and correct according to my knowledge and belief.

January 9, 1998



John R. Furr

01-08-1998

John Furr & Associates Inc.

FM Study for: KGOK
Location: HEALDTON, OK
Call City, State
Status Proponent

FCC Database Date: 1/98
Channel Class: C3
Chan Class Freq kW Latitude Dist. Required
File Number HAAT Longitude Azm. Clear (km)

Study For Channel 249 97.7 MHz

KGOKFM PAULS VALLEY, OK 249 C3 97.7 16.0 34-42-14 50.3 153
LIC WRIGHT AND WRIGHT, IN BLH-960502KC 125 97-15-46 24.4 -102.7 SHORT
Use of 73.215 for short spacing requires: 142 -91.7 SHORT
From Channel 249A per D93-247

KLAK DURANT, OK 248 C2 97.5 45. 33-47-14 103.2 117
LIC LAKE BROADCASTING, IN BLH-870623KA 157 96-33-00 122.5 -13.8 SHORT
Use of 73.215 for short spacing requires: 106 -2.8 SHORT

KDDQ COMANCHE, OK 246 A 97.1 3.0+ 34-26-12 42.16 42 73.215
CP HAROLD E. COCHRAN BPH-970709IB 92 97-54-47 292.6 +0.16 CLOSE
From Channel 244A per D96-10-Petition for Recon D96-10 filed 2-18-97
Dismissed MO&O D96-10, 970815-AMENDED 971114

KLAK DURANT, OK 248 C2 97.5 27. 33-41-31 117.32 117
CP LAKE BROADCASTING, IN BPH-970129IC 205 96-26-36 124.2 +0.32 CLOSE

KJNZ LAWTON, OK 251 C1 98.1 100. 34-35-27 86.0 76
LIC SOVEREIGN BROADCASTIN BLH-4928 61 98-21-10 293.0 +10.0 CLOSE
Horizontally polarized only

KRZB ARCHER CITY, TX 248 C2 97.5 33-35-36 130.4 117
ADD TEXAS GRACE COMMUNICA Docket-97-225 0 98-37-31 233.9 +13.4 CLOSE

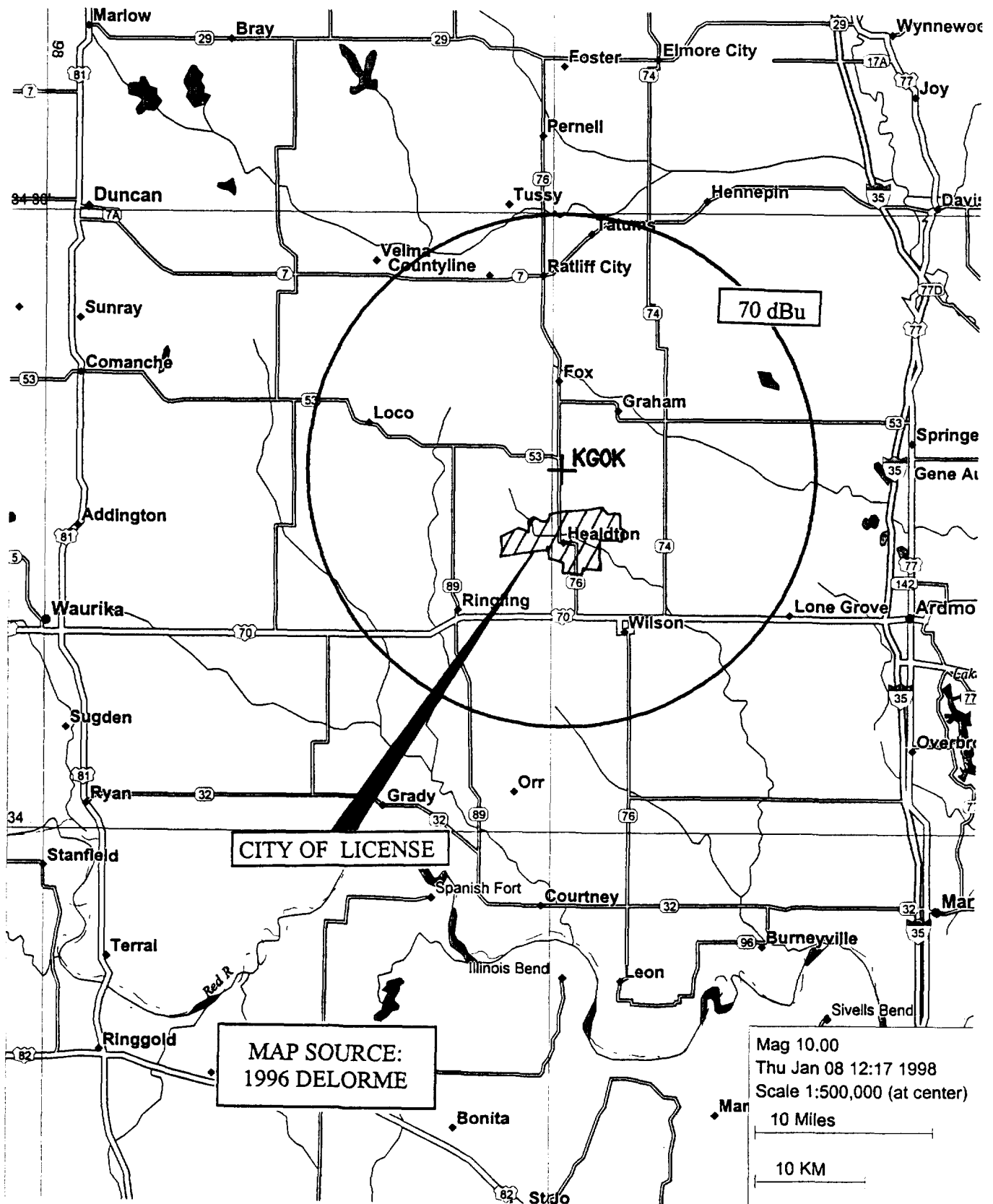
KBFB DALLAS, TX 250 C 97.9 99. 32-35-15 195.1 176
LIC WHFS, INC. BLH-910515KB 491 96-57-59 165.4 +19.1 CLEAR

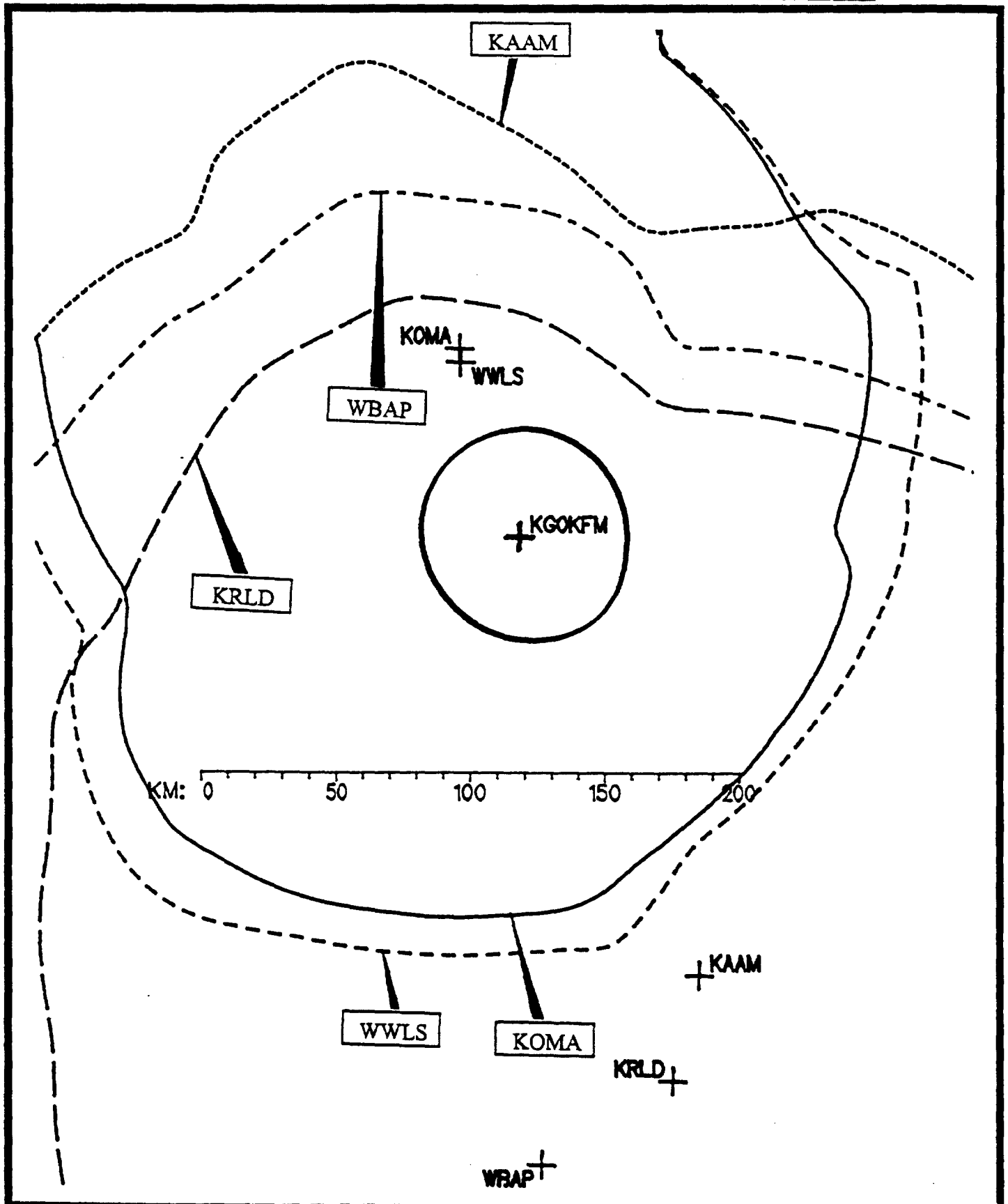
KRZB OLNEY, TX 248 C2 97.5 50.0 33-22-08 154.2 117
CP TEXAS GRACE COMMUNICA BPH-960201MB 88 98-44-11 228.8 +37.2 CLEAR

KRZB OLNEY, TX 248 C2 97.5 33-22-06 155.7 117
DEL TEXAS GRACE COMMUNICA Docket-97-225 0 98-45-24 229.2 +38.7 CLEAR

JF&A
COMMUNICATIONS
CONSULTANTS

KGOK
HEALDTON, OK
ALLOCATION TABULATIONS







KGOK
HEALDTON, OK
NIGHTTIME LOST AREA STUDY



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SITE MAP